

By Council Members Gibson, Rosenthal, Levine, Reynoso, Cumbo, Dromm, Kallos, the Public Advocate (Mr. Williams), Chin, Lander, Miller, Lancman, Rivera, Adams, Moya, Levin, Barron, Ayala, Cornegy, Powers, Louis, Brannan, Menchaca, Perkins, Rose and Ampy-Samuel

A Local Law to amend the administrative code of the city of New York, in relation to creating comprehensive reporting and oversight of NYPD surveillance technologies

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

§ 14-175. Annual surveillance reporting and evaluation.

a. Definitions. As used in this section, the following terms have the following meanings:

Surveillance technology. The term “surveillance technology” means equipment, software, or system capable of, or used or designed for, collecting, retaining, processing, or sharing audio, video, location, thermal, biometric, or similar information, that is operated by or at the direction of the department. Surveillance technology does not include:

1. routine office equipment used primarily used for departmental administrative purposes;
2. parking ticket devices;
3. technology used primarily for internal department communication; or
4. cameras installed to monitor and protect the physical integrity of city infrastructure

Surveillance technology impact and use policy. The term “surveillance technology impact and use policy” means a written document that includes the following information:

1. a description and capabilities of a surveillance technology;
2. rules, processes and guidelines issued by the department regulating access to or use of such surveillance technology as well as any prohibitions or restrictions on use, including

whether the department obtains a court authorization for each use of a surveillance technology, and what specific type of court authorization is sought;

3. safeguards or security measures designed to protect information collected by such surveillance technology from unauthorized access, including but not limited to the existence of encryption and access control mechanisms;

4. policies and/or practices relating to the retention, access, and use of data collected by such surveillance technology;

5. policies and procedures relating to access or use of the data collected through such surveillance technology by members of the public;

6. whether other entities outside the department have access to the information and data collected by such surveillance technology, including: (a) whether the entity is local, state, federal or private; (b) the type of information and data that may be disclosed; and (c) any safeguards or restrictions imposed by the department on the entity regarding the use or dissemination of the information collected by such surveillance technology;

7. whether any training is required by the department for an individual to use such surveillance technology or access information collected by such surveillance technology;

8. a description of internal audit and oversight mechanisms within the department to ensure compliance with the surveillance technology impact and use policy governing the use of such surveillance technology; and

9. any tests or reports regarding the health and safety effects of the surveillance technology.

b. Publication of surveillance technology impact and use policy. The department shall propose a surveillance technology impact and use policy and post such proposal on the department's website, at least 90 days prior to the use of new surveillance technology.

c. Existing surveillance technology. For existing surveillance technology as of the effective date of this section, the department shall propose a surveillance impact and use policy and post such proposal on the department's website within 180 days of the effective date.

d. Addendum to surveillance technology impact and use policies. When the department seeks to acquire or acquires enhancements to surveillance technology or uses such surveillance technology for a purpose or manner not previously disclosed through a surveillance technology impact and use policy, the department shall provide an addendum to the existing surveillance technology impact and use policy describing such enhancement or additional use.

e. Upon publication of the any proposed surveillance technology impact and use policy, the public shall have 45 days to submit comments on such policy to the commissioner.

f. The commissioner shall consider public comments and provide the final surveillance technology impact and use policy to the council and the mayor, and shall post it to the department's website at most 45 days after the close of the public comment period, pursuant to subdivision d of this section.

§ 2. Chapter 34 of the New York city charter is amended by adding a new section 809 to read as follows:

§ 809. Surveillance technology impact and use policy. a. For the purposes of this section, the following terms have the following meanings:

"Inspector general for the police department" means the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of this chapter.

b. The inspector general for the police department shall prepare annual audits of surveillance technology impact and use policies as defined in section 14-175 of the administrative code that shall:

1. assess whether the New York city police department's use of surveillance technology, as defined in section 14-175 of the administrative code, complies with the terms of the surveillance technology impact and use policy;

2. describe any known or reasonably suspected violations of the surveillance technology impact and use policy, including but not limited to complaints alleging such violations made by individuals pursuant section 803(c)(6) of this chapter; and

3. publish recommendations, if any, relating to revisions of the surveillance technology impact and use policy.

§ 3. This local law takes effect immediately.

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